



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E., Suite 400
Aberdeen, South Dakota 57401



IN REPLY REFER TO:

DESCRM

MC-208

APR 23 2012

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: ^{Acting} Regional Director, Great Plains Region

SUBJECT: Environmental Assessment Addendum and Finding of No Significant Impact

In compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended, an Addendum has been completed and a Finding of No Significant Impact (FONSI) has been issued. The addendum authorizes land use for installation of communication towers on 23 previous approved oil and gas well pads operated by QEP and 3 previously approved oil and gas well pads operated by Marathon Oil Company.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the EA Addendum, FONSI and Notice of Availability. The Council on Environmental Quality (CEQ) regulations require that there be a public notice of availability of the (40 C.F.R. Section 1506.6(b)). Please post the attached notice of availability at the Agency and Tribal buildings for 30 days.

If you have any questions, please call Marilyn Bercier, Regional Environmental Scientist, Division of Environment, Safety and Cultural Resources Management, at (605) 226-7656.

Attachment

cc: Tex Hall, Chairman, Three Affiliated Tribes (with attachment)
Elgin Crows Breast, Tribal Historic Preservation Officer (with attachment)
Derek Enderud, BLM, Bureau of Land Management (with attachment)
Grady Wolf, SWCA (with attachment)
Jonathon Shelman, Corps of Engineers
Jeff Hunt, Fort Berthold Agency

- Marathon Oil Company Environmental Assessment for One Feather USA 31-17H and Sitting Owl 34-8H, Driver USA 34-9H, Driver USA 44-9H and Black Hawk USA 31-16H, Mink USA 11-15H and Many Woman USA 14-10H: August, 2011
- Marathon Oil Company Environmental Assessment for Goodbird USA 34-7H and Goodbird USA 44-7H Oil and Gas Wells: January, 2011

QEP Energy Company (QEP) proposes to install communication towers on 23 previously approved oil/gas well pads operated by QEP, and 3 previously approved oil/gas well pads operated by Marathon Oil Company (Marathon). These towers would provide improved radio communication within the area and allow for real-time production and operation updates. These towers would also allow QEP and Marathon the ability to monitor and control well pads remotely, increasing emergency response time in the event of a system failure. Associated federal actions by BIA include determinations of impacts and effects regarding environmental resources on tribal lands.

The potential of the proposed action to impact the human environment is analyzed in the attached addendum to the existing EAs, as required by the National Environmental Policy Act. Based on the recently completed addendum to these EAs, I have determined that the proposed project will not significantly affect the quality of the human or natural environment. No Environmental Impact Statement is required for any portion of the proposed project.

This determination is based on the following factors:

1. Agency and public involvement solicited for the preceding NEPA document was sufficient to ascertain potential environmental concerns associated with the currently proposed project.
2. Protective and prudent measures were designed to minimize impacts to air, water, soil, vegetation, wetlands, wildlife, public safety, water resources, and cultural resources. The remaining potential for impacts was disclosed for both the proposed action and the No Action alternatives.
3. Guidance from the U.S. Fish and Wildlife Service has been fully considered regarding wildlife impacts, particularly in regard to threatened or endangered species. This guidance includes the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) (MBTA), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.) (NEPA), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250) (BGEPA), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", and the Endangered Species Act (16 U.S.C. 1531 et seq.) (ESA).
4. The proposed action is designed to avoid adverse effects to historic, archaeological, cultural and traditional properties, sites and practices. Compliance with the procedures of the National Historic Preservation Act is complete.
5. Environmental justice was fully considered.
6. Cumulative effects to the environment are either mitigated or minimal.
7. No regulatory requirements have been waived or require compensatory mitigation measures.
8. The proposed project will improve the socio-economic condition of the affected Indian community.

Acting


Regional Director

Date

4-23-2012

Finding of No Significant Impact

QEP Energy Company

Addendum to:

17 Previously Approved Environmental Assessments

***Fort Berthold Indian Reservation
Dunn and McLean Counties, North Dakota***

The U.S. Bureau of Indian Affairs (BIA) has received a proposal for an addendum to the following Environmental Assessments (EA).

- Questar Exploration and Production Company September 2009 Environmental Assessment Four Bakken Formation Exploratory Wells at Four Locations: MHA 1-06H-149-91, MHA 1-01H-149-92, MHA 1-31H-150-91 and MHA 1-06-31H-150-92: September 2009
- Questar Exploration and Production Company November 2008 Environmental Assessment MHA #1-19H-150-90 Amended to MHA #1-13-14H-150-91 Bakken Exploratory Oil Well: November 2008
- Questar Exploration and Production Company MHA 1-18H-150-90 Bakken Exploratory Oil Well: September 2008
- Questar Exploration and Production Company MHA 1-19H-150-90 Bakken Exploratory Oil Well: November 2008
- Drilling of MHA-1-29-30H-150-90, MHA-1-32-31H-150-90, and MHA-1-30H-150-90 Exploratory Oil and Gas Wells: February 2010
- Environmental Assessment for Drilling of MHA 2-01-02H-149-91, MHA 2-07-18H-149-90, and MHA 1-01-02H-149-91 Exploratory Oil and Gas Wells: August 2010
- Drilling of MHA 2-13-14H-150-90, MHA 2-29-30H-150-90, MHA 2-01-02H-149-91, MHA 2-07-18H-149-90, and MHA 1-01-02H-149-91 Exploratory Oil and Gas Wells: June 2010
- Drilling of MHA 1-33-34H-150-91, MHA 1-32-29H-150-91, MHA 1-04-03H-149-91 and MHA 1-35-36H-149-91 Exploratory Oil and Gas Wells: August 2010
- Questar Exploration and Production Company January 2010 Environmental Assessment Four Bakken and Three Forks Formations Wells at 2 Locations MHA 1-05-08H-147-92, MHA 2-05-08H-147-92, MHA 1-32-33H-148-92, MHA 2-32-33H-148-92: January 2010
- Drilling of MHA 2-05-06H-149-90, MHA 3-05-06H-149-90, MHA 1-11-14H-149-90, and MHA 2-10-15H-149-90 Exploratory Oil and Gas Wells: October 2010
- Drilling of MHA 2-04-03H-149-91 and MHA 4-04-03H-149-91 Oil and Gas Wells on the Independence 4 Well Pad, MHA 3-06-01H-149-92 and MHA 4-06-01H-149-92 Oil and Gas Wells on the Independence 6 Well Pad, and MHA 2-32-29H-150-91 and MHA 4-32-29H-150-91 Oil and Gas Wells on the Independence 32 Well Pad: August 2011
- Drilling of MHA 1-05-06H-149-90, MHA 3-05-06H-149-90, MHA 1-09-16H-149-90, MHA 3-09-16H-149-90, MHA 1-04-03H-149-90 and MHA 3-04-03H-149-90 Oil & Gas Wells: February 2011.
- Drilling of MHA 2-06-07H, MHA 4-06-07H, MHA 2-32-33H, and MHA 4-32-33H (Moccasin Creek Bay 31 Well Pad) Oil & Gas Wells: August 2011
- Drilling of MHA 1-05-04H-148-91, MHA 3-05-04H-148-91, MHA 2-05-04H-148-91, and MHA 4-05-04H-148-91 Oil & Gas Wells: July 2011
- Drilling of MHA 1-06-07H-147-92 and MHA 3-06-07H-147-92 Oil & Gas Wells: January 2011

Notice of Availability and Appeal Rights

QEP: Addendum to Install Communication Towers on 23 previously Approved oil and gas well pads operated by QEP and 3 previously approved oil and gas well pads operated by Marathon.

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to an Addendum to Authorize Land Use to Install Communication Towers on 23 Previously Approved oil and gas well pads operated by QEP and 3 previously approved oil and gas well pads operated by Marathon on the Fort Berthold Reservation as shown on the attached map. Construction by QEP Resources is expected to begin in 2012.

An environmental assessment (EA) determined that proposed activities will not cause significant impacts to the human environment. An environmental impact statement is not required. Contact Earl Silk, Superintendent at 701-627-4707 for more information and/or copies of the EA and the Finding of No Significant Impact (FONSI).

The FONSI is only a finding on environmental impacts – it is not a decision to proceed with an action and *cannot* be appealed. BIA's decision to proceed with administrative actions *can* be appealed until May 22, 2012, by contacting:

**United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Indian Appeals
801 N. Quincy Street, Suite 300, Arlington, Va 22203.**

Procedural details are available from the BIA Fort Berthold Agency at 701-627-4707.

Project locations.

Table 1, QEP Well Pads

WELL PAD NAME	LATITUDE	LONGITUDE	TOWER HEIGHT (FEET)
1-06-31H-150-92	47.747669	-102.505411	40
1-08H-149-90	47.745836	-102.232236	30
1-13-14H-150-91	47.804931	-102.251811	30
1-19H-150-90	47.805556	-102.251789	30
1-29-30H-150-90	47.774689	-102.215428	30
2-01-02H-149-91	47.755261	-102.245428	30
2-29-30H-150-90	47.783369	-102.215939	30
2-07-18H-149-90	47.747072	-102.242264	30
1-04-03H-149-91	47.761672	-102.345447	30
3-05-08H-147-92	47.587328	-102.434842	30
1-06-01H-149-92	47.747292	-102.365625	60
1-32-31H-150-90	47.761683	-102.216439	30
3-32-33H-148-92	47.599531	-102.432872	30
2-05-06H-149-90	47.757978	-102.215806	30
5-13-14H-150-91	47.810467	-102.249883	30
3-06-01H	47.754289	-102.365411	30
1-31-30H-150-91	47.762214	-102.365853	30
1-05-06H-149-90	47.746939	-102.215203	30
4-06-07H-147-92	47.588908	-102.441297	30
2-32-31H-150-90	47.767497	-102.214386	30
2-05-04H-148-91	47.666892	-102.311211	30
3-06-07H-147-92	47.595188	-102.456265	30
2-32-29H-150-91	47.761707	-102.355763	30

Table 2, Marathon Well Pads

WELL PAD NAME	LATITUDE	LONGITUDE	TOWER HEIGHT (FT)
Black Hawk USA 31-16H / Driver USA 34-8H	47.819525	-102.200081	30
Goodbird USA 34-7H / Goodbird USA 44-7H	47.819447	-102.241189	30
Sitting Owl USA 34-8H / One Feather USA 31-17H, 2	47.817997	-102.220583	30

ENVIRONMENTAL ASSESSMENT

Addendum

United States Bureau of Indian Affairs

Great Plains Regional Office
Aberdeen, South Dakota



QEP Energy Company

Addendum to:

17 Previously Approved Environmental Assessments

Fort Berthold Indian Reservation

April 2012

For information contact:

*Bureau of Indian Affairs, Great Plains Regional Office
Division of Environment, Safety and Cultural Resources
115 4th Avenue SE
Aberdeen, South Dakota 57401
605-226-7656*

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FIGURES

Table 1: QEP Well Pads..... Error! Bookmark not defined.

Table 2: Marathon Well Pads Error! Bookmark not defined.

1 PURPOSE AND NEED FOR THE PROPOSED ACTION

QEP Energy Company (QEP) proposes to install communication towers on 23 previously approved oil/gas well pads operated by QEP, and 3 previously approved oil/gas well pads operated by Marathon Oil Company (Marathon). Please refer to **Attachment A, Project Location Map**. These towers would provide improved radio communication within the area and allow for real-time production and operation updates. These towers would also allow QEP and Marathon the ability to monitor and control well pads remotely, increasing emergency response time in the event of a system failure.

The proposed towers would be located on tribal lands and would be located on well pads that have separately achieved a FONSI approval under the *National Environmental Policy Act* (NEPA) of 1969, as amended. Installation of the proposed towers would further support important benefits to the Three Affiliated Tribes. They would provide individual members of the tribes with needed employment and income.

2 AUTHORITIES

Activities associated with oil and gas exploration and development are conducted under authority of the *Indian Mineral Leasing Act* of 1938 (25 USC [United States Code] 396a, et seq.), the *Indian Mineral Development Act* of 1982 (25 USC 2101, et seq.), and the *Energy Policy Act* of 2005 (42 USC 15801, et seq.).

3 LOCATION OF PROPOSED ACTION

The proposed communication towers would be installed at the following locations:

Table 1, QEP Well Pads

WELL PAD NAME	LATITUDE	LONGITUDE	TOWER HEIGHT (FEET)
1-06-31H-150-92	47.747669	-102.505411	40
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2-07-18H-149-90	47.747072	-102.242264	30
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1-32-31H-150-90	47.761683	-102.216439	30
3-32-33H-148-92	47.599531	-102.432872	30
2-05-06H-149-90	47.757978	-102.215806	30
5-13-14H-150-91	47.810467	-102.249883	30
3-06-01H	47.754289	-102.365411	30
1-31-30H-150-91	47.762214	-102.365853	30
1-05-06H-149-90	47.746939	-102.215203	30
4-06-07H-147-92	47.588908	-102.441297	30
2-32-31H-150-90	47.767497	-102.214386	30
2-05-04H-148-91	47.666892	-102.311211	30
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Goodbird USA 34-7H / Goodbird USA 44-7H	47.819447	-102.241189	30
Sitting Owl USA 34-8H / One Feather USA 31-17H, 2	47.817997	-102.220583	30

4 SCOPE OF WORK FOR PROPOSED ACTION

Installation of the proposed communication towers would occur on previously disturbed well pads and would not result in any additional surface disturbance or environmental impacts. The towers would range in height from 30 to 60 feet and would be standalone structures, not requiring any guy wires or additional support structures. All well pads would be accessed via existing access roads.

5 APPLICABLE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTS

The following NEPA documents have been previously approved by the BIA for the proposed action:

- Questar Exploration and Production Company September 2009 Environmental Assessment Four Bakken Formation Exploratory Wells at Four Locations: MHA 1-06H-149-91, MHA 1-01H-149-92, MHA 1-31H-150-91 and MHA 1-06-31H-150-92: September 2009
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- Environmental Assessment for Drilling of MHA 2-01-02H-149-91, MHA 2-07-18H-149-90, and MHA 1-01-02H-149-91 Exploratory Oil and Gas Wells: August 2010
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- Drilling of MHA 1-33-34H-150-91, MHA 1-32-29H-150-91, MHA 1-04-03H-149-91 and MHA 1-35-36H-149-91 Exploratory Oil and Gas Wells: August 2010
- Questar Exploration and Production Company January 2010 Environmental Assessment Four Bakken and Three Forks Formations Wells at 2 Locations MHA 1-05-08H-147-92, MHA 2-05-08H-147-92, MHA 1-32-33H-148-92, MHA 2-32-33H-148-92: January 2010
- Drilling of MHA 2-05-06H-149-90, MHA 3-05-06H-149-90, MHA 1-11-14H-149-90, and
- MHA 2-10-15H-149-90 Exploratory Oil and Gas Wells: October 2010

- Drilling of MHA 2-04-03H-149-91 and MHA 4-04-03H-149-91 Oil and Gas Wells on the Independence 4 Well Pad, MHA 3-06-01H-149-92 and MHA 4-06-01H-149-92 Oil and Gas Wells on the Independence 6 Well Pad, and MHA 2-32-29H-150-91 and MHA 4-32-29H-150-91 Oil and Gas Wells on the Independence 32 Well Pad: August 2011
- Drilling of MHA 1-05-06H-149-90, MHA 3-05-06H-149-90, MHA 1-09-16H-149-90, MHA 3-09-16H-149-90, MHA 1-04-03H-149-90 and MHA 3-04-03H-149-90 Oil & Gas Wells: February 2011.
- Drilling of MHA 2-06-07H, MHA 4-06-07H, MHA 2-32-33H, and MHA 4-32-33H (Moccasin Creek Bay 31 Well Pad) Oil & Gas Wells: August 2011
- Drilling of MHA 1-05-04H-148-91, MHA 3-05-04H-148-91, MHA 2-05-04H-148-91, and MHA 4-05-04H-148-91 Oil & Gas Wells: July 2011
- Drilling of MHA 1-06-07H-147-92 and MHA 3-06-07H-147-92 Oil & Gas Wells: January 2011
- Marathon Oil Company Environmental Assessment for One Feather USA 31-17H and Sitting Owl 34-8H, Driver USA 34-9H, Driver USA 44-9H and Black Hawk USA 31-16H, Mink USA 11-15H and Many Woman USA 14-10H: August, 2011
- Marathon Oil Company Environmental Assessment for Goodbird USA 34-7H and Goodbird USA 44-7H Oil and Gas Wells: January, 2011

6 ASSESSMENT OF ENVIRONMENTAL IMPACTS

The proposed project would take place entirely within previously disturbed areas. Therefore, the proposed project would not result in additional ground disturbance and would not result in any additional environmental impacts as those previously disclosed in the above referenced EA documents.

7 ENVIRONMENTAL COMMITMENTS/MITIGATION

- All construction and installation activities would take place on previously disturbed surfaces.
- Construction equipment would be cleaned and free of all noxious weeds and invasive plant species prior to entering reservation boundaries and before being mobilized between well pads.
- Only established roadways and access roads would be used for the transportation of project related equipment and personnel.
- Established load restrictions for State and BIA roadways would be followed and haul permits would be acquired as appropriate.

This document has identified 17 previously prepared NEPA documents that adequately describe the nature of ground disturbance activities associated with well pad construction. The installation of the proposed communication towers would occur within the confines of these previously disturbed and previously approved well pads. There would be no new ground disturbance associated with the proposed project. The proposed project meets the following NEPA Adequacy Criteria:

1. The proposed actions are substantially the same actions and at the sites specifically analyzed in the existing NEPA documents.
2. The range of alternatives is reasonable with respect to the current proposed actions in the existing NEPA documents, which appropriately consider and analyze current environmental concerns, interests, and resource values.
3. The existing analysis and conclusions are adequate in the existing NEPA documents. The analysis is still valid in light of new studies and/or resource assessment information.
4. The methodology and analytical approach used in the existing NEPA documents continue to be appropriate for the proposed actions.
5. The direct and indirect impacts of the proposed actions are unchanged from those identified in the existing NEPA documents.
6. The cumulative impacts that would result from implementation of the proposed action are unchanged from those analyzed in the existing NEPA document.
7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA document.